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January 24, 1985

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Environmental Enforcement Section
Land & Natural Resources Division
U.S. Department of Justice
Washington, DC 20530

Stephen Shakman, Esq.
Minnesota Pollution Control Agency
1935 West County Road B2
Roseville, MN 55113

Re: U.S.A. V. Reilly Tar & Chemical Corporation,

et al.

Gentlemen:

Enclosed please find a revised Consent Decree and revised sections of the Remedial Action Plan that we believe accommodate the points discussed in settlement negotiations this week. Note that the RAP revisions do not include the "minor" points discussed Tuesday afternoon.

We are prepared to continue settlement discussions next week at any place and time convenient to you.

Very truly yours,

Becky A./Comstock

BAC: kll Encs.

cc: Robert Leininger 🗸 Wayne G. Popham 2.6 Surface Water Discharge Criteria: The draft of any NPDES permit required by this RAP shall specify surface water discharge criteria of 20 micrograms per liter for phenolics, 620 nanograms per liter for carcinogenic PAH, 2.0 micrograms per liter for phenanthrene, and 34 micrograms per liter for total other PAH, all as maximum values not to be exceeded, based on quarterly monitoring for the first year of operation and semi-annual monitoring thereafter, using appropriate sampling and analytical methods as specified in the draft NPDES permit, provided that phenolics shall be measured by the 4-aminoantipyrene method.

2.7. Schedule for Contingencies: On or before the date specified in the RAP for a contingent action or, where no date is specified, not later than 90 days following notification by the Regional Administrator that a contingent action is necessary, Reilly shall submit to the Regional Administrator a plan for the required contingent action, including design specifications and an implementation schedule. The Regional Administrator shall review the plan in accordance with Part F. of the Consent Decree.

Section 3.5.

(C) For each sampling event and for each aquifer, a map with concentrations of total other PAH, carcinogenic PAH, and the sum of benzo(a)pyrene and dibenz(a,h)anthracene labeled next to the location of each well, and a map with phenolics concentrations labeled by the location of each well.

4.2.1. Operating Rate: Wells SLP10 and/or SLP15 shall be pumped and the GAC treatment system operated at a minimum annual pumping rate of 200 million gallons per year, with a minimum pumping rate of 10 million gallons in any one month.

4.2.1.-4.2.4. (renumbered)

4.3.2. (Replace (A) of this Section as follows:)

water sample obtained pursuant to Section 4.3.1. exceed the drinking water criterion for other PAH or exceed the advisory levels for carcinogenic PAH or benzo(a)pyrene and dibenz-(a,h)anthracene, then Reilly shall collect two additional treated water samples within one week of receiving the results of the exceedance sample. If the analytical results from either one or both of the two additional samples also exceed the drinking water criterion for other PAH or the advisory levels for carcinogenic PAH or benzo(a)pyrene and dibenz(a,h)-anthracene, then the carbon shall be replaced within 45 days of receiving the additional sample results.

Section 12.1. should be edited to delete references to Section 4.3.)

Change second sentence of 4.4. to read:

For purposes of this Section, the cessation criterion is defined as the mean plus one standard deviation of at least six feed water samples collected biweekly being less than the drinking water criteria for PAH.

5.1. (Add last sentence)

If analysis of any composited sample indicates concentrations in excess of the advisory levels or drinking water criteria, then individual well samples will be reanalyzed as separate (uncomposited) samples. Action: If any St. Louis Park or Hopkins municipal drinking water supply well that withdraws water from the Ironton-Galesville aquifer is installed within one mile of the site, the well shall be monitored at the time of its installation and biannually thereafter by Reilly, following notice to Reilly of its installation. If the analytical result of any monitoring as required above is greater than the advisory level or drinking water criterion for carcinogenic PAH, benzo(a)pyrene and dibenz(a,h)anthracene, or other PAH, Reilly shall comply with the applicable requirements of Section 12.

Change the second sentence of Section 7.1.4. and add a third sentence to read:

The cessation criterion for pumping W23 is defined as the mean plus one standard deviation of at least six samples collected biweekly being less than 10 micrograms per liter total PAH. Notwithstanding this cessation criterion, the well shall be pumped for a minimum of five years from the effective date.

Change the first sentence of Section 7.2.6. to read as follows:

. . . and documented that the mean plus one standard deviation of at least six samples, collected biweekly is less than the drinking water criteria for PAH.

Section 7.3.

(E)

(ix) W119

W118 or Interlachen Country Club well 2 Lady-be-Lovely or Edina Five-O (x)

(xi)

8.1.4. Report: Within 90 days of completing the monitoring required by Section 8.1.3. above, Reilly shall submit to the Regional Administrator a report that summarizes the results of the monitoring and recommends a plan for either (1) continued monitoring of the St. Peter for the duration of the Consent Decree or (2) installing a gradient control well system in the St. Peter pursuant to Section 8.2. below.

8.2. Contingent Actions

- 8.2.1. <u>Gradient Control</u>: Upon completion of the monitoring required by Section 8.1. above, the Regional Administrator may, for the purpose of controlling the spread of contamination in the St. Peter aquifer that exceeds the drinking water criteria for PAH, require Reilly to install and operate a gradient control well system consisting of no more than two gradient control wells designed so as to permit direct discharge to a storm sewer or to surface waters.
- 8.2.2. Additional Monitoring or Remedial

 Action: If the analytical result of monitoring any active drinking water well in the St. Peter aquifer is greater than the advisory level or drinking water criterion for carcinogenic PAH, benzo(a)pyrene and dibenz(ah)anthracene, or other PAH, Reilly shall comply with the applicable requirements of Section 12.

Mt. Simon-Hinckley or Prairie du Chien-Jordan Aquifers

Investigation Plan: Within one year of the effective date, Reilly shall submit to the Regional Administrator a plan for investigating suspected multi-aquifer The plan shall identify wells that may be leaking water exceeding the drinking water criteria for PAH into the Mt. Simon-Hinckley aquifer or into areas of the Prairie du Chien-Jordan aquifer located outside of the capture area of the Prairie du Chien-Jordan aquifer gradient control well system operated pursuant to Section 7.2. For purposes of this section, the southern boundary of the Prairie du Chien-Jordan aquifer gradient control well system capture area is defined as Excelsior Boulevard west of Highway 100 and west 42nd Street east of Highway 100, the eastern boundary as France Avenue, the northern boundary as a line extending from well SLP7 to the intersection of France Avenue and Minnetonka Boulevard and west from SLP7 to Highway 18, and the western boundary as Highway 18. The plan shall describe the investigation techniques to be used, which shall include at a minimum for each well: static water level measurements, water quality monitoring, spinner logging, caliper logging and E- or gamma logging. Additional techniques, such as down-hole TV logging, may also be used. The Regional Administrator will review the plan in accordance with Part F. of the Consent Decree.

10.1.2. <u>Investigation and Report</u>: Within one year of approval of the investigation plan pursuant to Section 10.1.1., Reilly shall conduct a multi-aquifer well investigation in accordance with the approved plan and shall report the findings to the Regional Administrator and recommend which leaking multi-aquifer wells, if any, should be sealed, reconstructed or abandoned.

10.1.3. <u>Report Evaluation</u>: (Same as before, renumbered.)

10.1.4. Well Abandonment Plan: (Same as before, renumbered.)

10.1.5. <u>Well Abandonment</u>: (Same as before, renumbered.)

10.2. <u>Multi-Aquifer Wells Open to the St. Peter</u> Aquifer

years of the effective date, Reilly shall submit to the Regional Administrator a plan for investigating multi-aquifer wells that may be leaking water exceeding the drinking water criteria for PAH into the St. Peter aquifer in areas outside the capture area of any St. Peter gradient control well system installed pursuant to Section 8.2.; or, in the absence of a gradient control well system in the St. Peter, in areas where any such leakage may threaten drinking water supply wells, and shall describe the investigation techniques to be used. The Regional Administrator will review the plan in accordance with Part F. of the Consent Decree.

10.2.2. through 10.2.5. (Same as before.)